

United States Bankruptcy Court  
Western District of New York

THE CONTINENTAL INSURANCE COMPANY, succe,

Plaintiff

The Diocese of Rochester,

Defendant

Adv. Proc. No. 23-02014-PRW

District/off: 0209-2

User: admin

Page 1 of 2

Date Rcvd: Apr 15, 2024

Form ID: pdforder

Total Noticed: 1

The following symbols are used throughout this certificate:

**Symbol**

**Definition**

+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 17, 2024:**

| Recip ID | Recipient Name and Address  |
|----------|---|
| dft      | + The Diocese of Rochester, 1150 Buffalo Road, Rochester, NY 14624-1890 |

TOTAL: 1

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 17, 2024

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 15, 2024 at the address(es) listed below:

| Name | Email Address |
|------|---------------|
|------|---------------|

David C. Christian, II

on behalf of Plaintiff THE CONTINENTAL INSURANCE COMPANY successor by merger to Commercial Insurance Company of Newark, New Jersey, and Fireman's Insurance Company of Newark, New Jersey dchristian@dca.law

Ilan D Scharf

on behalf of Interested Party Official Committee of Unsecured Creditors ischarf@pszjlaw.com lcanty@pszjlaw.com;nrobinson@pszjlaw.com;bdassa@pszjlaw.com

Jeffrey Austin Dove

on behalf of Plaintiff THE CONTINENTAL INSURANCE COMPANY successor by merger to Commercial Insurance Company of Newark, New Jersey, and Fireman's Insurance Company of Newark, New Jersey jdove@barclaydamon.com, avrooman@barclaydamon.com,jeffrey-dove-1212@ecf.pacerpro.com

Mark D. Plevin

on behalf of Plaintiff THE CONTINENTAL INSURANCE COMPANY successor by merger to Commercial Insurance Company of Newark, New Jersey, and Fireman's Insurance Company of Newark, New Jersey mplevin@crowell.com, mark-plevin-crowell-moring-8073@ecf.pacerpro.com

District/off: 0209-2

Date Rcvd: Apr 15, 2024

User: admin

Form ID: pdforder

Page 2 of 2

Total Noticed: 1

Miranda Turner

on behalf of Plaintiff THE CONTINENTAL INSURANCE COMPANY successor by merger to Commercial Insurance Company of Newark, New Jersey, and Fireman's Insurance Company of Newark, New Jersey mturner@crowell.com

Stephen A. Donato

on behalf of Defendant The Diocese of Rochester sdonato@bsk.com ayerst@bsk.com;kdoner@bsk.com;CourtMail@bsk.com

TOTAL: 6

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NEW YORK

---

In Re:

The Diocese of Rochester  
aka The Roman Catholic Diocese of  
Rochester

Case No.: 2-19-20905-PRW  
Chapter: 11

Debtor(s)

---

THE CONTINENTAL INSURANCE  
COMPANY, successor by merger to  
Commercial Insurance Company of Newark,  
New Jersey, and Fireman's Insurance Company  
of Newark, New Jersey

A.P. No.: 2-23-02014-PRW

Plaintiff(s)

v.

The Diocese of Rochester

Defendant(s)

---

**TRIAL SCHEDULING ORDER**

Having reviewed the parties' proposed discovery plan at ECF AP No. 30, it is  
**ORDERED** that:

1. Motions to amend pleadings or join parties must be filed by **April 22, 2024**.
2. Initial disclosures under Rule 26(a) FRCP must be provided by **April 19, 2024**.
3. All fact discovery must be completed on or before **May 17, 2024**. The parties shall: identify any expert witnesses and topics on or before **April 26, 2024**; identify rebuttal expert witnesses and topics on or before **May 6, 2024**; provide any reports pursuant to Rule 26(a)(2) no later than **May 27, 2024**; and provide rebuttal expert reports on or before **June 3, 2024**. All expert depositions shall be completed no later than **June 17, 2024**.
4. Pre-trial Statements, in the format attached, must be filed **at least 14 days before trial**.
5. Stipulations (uncontested facts, admissibility of evidence, qualifications of experts, issues to be tried, etc.) must be filed **at least 14 days before trial**.
6. A list of witnesses to be called at trial (including the information required by Paragraph 8 of the Pre-Trial Statement), together with copies of exhibits to be used at trial (pre-marked, indexed, in three-ring binders), must be submitted to chambers and provided to opposing counsel **at least 14 days before trial**. (\*)

(\*) Witnesses must be physically present in the courtroom to testify. Judicial Conference Policy prohibits the taking of testimony remotely.

7. A pre-trial conference will be held on **July 19, 2024 at 11:00 a.m.** Motions *in limine*, if any, must be served and filed contemporaneously with the Pre-Trial Statement, and made returnable on the date and time of the pre-trial conference.
8. Trial is set, as a date certain, for **July 29, 2024, to be continued on July 30, 31 and August 1, 2, if necessary.** Counsel are to meet in the courtroom at **8:30 a.m.** Trial will begin at **9:00 a.m.**
9. Post-trial briefs are required to be served and filed on or before the date to be set by the Court by post-trial Case Management Order.
10. Summary Judgment motions and other dispositive motions **will not** be entertained, as there appear to be genuine issues of material fact.
11. **The dates set out in this Trial Scheduling Order are intended as "firm deadlines."** The parties cannot attempt to amend this Order by stipulation. The Court will not amend this Order unless: (1) A motion to amend is served and filed in a timely manner so that the motion can be heard BEFORE the affected deadline(s) has expired; and (2) Any such motion must demonstrate extraordinary circumstances as cause to support the requested amendment to this Order. The failure of the parties collectively (or either party singularly) to timely and diligently undertake those steps necessary to comply with this Trial Scheduling Order will not demonstrate cause sufficient to obtain a modification of the deadlines set out in this Order. Failure to comply with this Order will result in the imposition of a sanction against the offending party, including the striking of the party's pleadings or such other penalty as the Court deems appropriate.

Dated: April 15, 2024  
Rochester, New York

/s/  
**HONORABLE PAUL R. WARREN**  
United States Bankruptcy Judge

## Pre-Trial Statements

Parties to an adversary proceeding must file a "Joint Pre-Trial Statement" **at least 14 days before a trial is scheduled to begin**. If the parties are not able to agree on the terms of the Joint Pre-Trial Statement, then each party must file and serve a separate Pre-Trial Statement **at least 14 days before trial**, which must include an affirmation that the party has made diligent, good faith efforts to produce a Joint Pre-Trial Statement, but was unable to do so.

The Pre-Trial Statement must include the following information, under separately numbered headings, and in the following order:

1. The case caption of both the bankruptcy case and the adversary proceeding.
2. A brief procedural history of the case, including the dates: (a) the case was filed, (b) the adversary proceeding was filed, (c) the key pleadings and papers were filed in the case and adversary proceeding, and (d) the pre-trial statement due date.
3. A list of all undisputed material facts.
4. A list of all disputed material facts.
5. A concise statement of each contested legal issue (including whether the Court has jurisdiction to enter final orders on each issue).
6. A summary of all evidentiary issues and any anticipated evidentiary objections.
7. An acknowledgment that any motions *in limine* must be filed contemporaneously with the Pre-Trial Statement and made returnable on the date and time set for the pre-trial conference.
8. Identification of witnesses, including: (a) the name of each witness who will testify, (b) a brief summary of each witness's anticipated testimony, and (c) the projected duration of each witness's testimony.
9. The estimated length of the trial.
10. Any unique circumstances the parties will ask the court to address as part of the trial.

Form WSCHEDO  
www.nywb.uscourts.gov